Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 080980
ORIGIN ARA-14

INFO OCT-01 ISO-00 SCS-06 L-03 HA-05 SSO-00 H-01 SS-15
SP-02 NSCE-00 CIAE-00 INR-10 NSAE-00 INRE-00 /057 R

DRAFTED BY ARA/CEN DKNIGHT:NAB
APPROVED BY ARA/CEN WMATTHEWS
ARA:SASHELTON (DRAFT)
CA/SCS: AAGISE
L:RDALTON
D/HA: LARTHUR
----------030298 292248Z /75
O 292220Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY MANAGUA IMMEDIATE

LIMITED OFFICIAL USE STATE 080980

E.O. 11652: N.A.

TAGS: PINT, NU

SUBJECT: EMBASSY COMMUNIQUE ON U.S. ASYLUM POLICY

REFERENCE: MANAGUA 1454

1. DEPARTMENT IS IN AGREEMENT WITH THE NEED TO CLARIFY ANY MISUNDERSTANDING ON THE GRANTING OF DIPLOMATIC ASYLUM AND TEMPORARY REFUGEE, AS OUTLINED IN REFTEL. DEPARTMENTAUTHORIZES RELEASE OF THE FOLLOWING STATEMENT: THE EMBASSY OF THE UNITED STATES OF AMERICA WISHES TO CORRECT AN APPARENT MISUNDERSTANDING REGARDING ITS ABILITY TO PROVIDE DIPLOMATIC ASYLUM. THE USG DOES NOT GRANT DIPLOMATIC ASYLUM AND IS NOT A PARTY TO ANY INTERNATIONAL OR BILATERAL AGREEMENT WHICH DEALS WITH DIPLOMATIC ASYLUM. HOWEVER, THE UNITED STATES OF AMERICA
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 080980

DOES RECOGNIZE HUMANITARIAN OBLIGATION TO PROVIDE TEMPORARY REFUGE TO ANYONE, CITIZEN OR NON-CITIZEN, WHO MAY BE IN PHYSICAL DANGER. THE DIFFERENCE BETWEEN DIPLOMATIC ASYLUM AND TEMPORARY REFUGE IS THAT A PERSON GRANTED TEMPORARY REFUGE MUST LEAVE THE EMBASSY AS SOON AS CIRCUMSTANCES PERMIT AND FACE ANY LEGAL PROCEEDINGS IN ACCORDANCE WITH DUE PROCESS WHICH MAY BE PENDING.

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

IN FEBRUARY TWO PERSONS WHO WERE CONCERNED FOR THEIR SAFETY AND WHO CLAIMED AMERICAN CITIZENSHIP SOUGHT THE ASSISTANCE OF THE EMBASSY.

THE EMBASSY ACCEPTED THE RESPONSIBILITY FOR THEIR TEMPORARY PROTECTION WHILE IT EXPLAINED TO THEM THAT IF THEY WISHED TO OBTAIN DIPLOMATIC ASYLUM THEY WOULD HAVE TO DO SO AT AN EMBASSY WHICH COULD CONFER THAT STATUS. FOLLOWING THEIR DECISION TO SEEK DIPLOMATIC ASYLUM IN ANOTHER EMBASSY, UNITED STATES OFFICIALS MADE SURE THAT THEIR DEPARTURE FROM OUR EMBASSY OCCURRED UNDER THE SAFEST POSSIBLE CONDITIONS. THIS WAS IN KEEPING WITH OUR HUMANITARIAN CONCERN FOR THEIR SAFETY. IT IS OUR UNDERSTANDING THAT IN DUE COURSE THESE PERSONS RECEIVED DIPLOMATIC ASYLUM AND LEFT NICARAGUA. IN CLEAR CONTRAST TO THE CASE OF THE YOUTHS SEEKING DIPLOMATIC ASYLUM, IN JANUARY 1978 AMERICAN CITIZENS SOUGHT TEMPORARY REFUGE AT THE U.S. EMBASSY BECAUSE THEY FEARED FOR THEIR SAFETY AS A RESULT OF RIOTING FOLLOWING THE ASSASSINATION OF DR. PEDRO JOAQUIN CHAMORRO. AFTER THE EMBASSY WAS ASSURED BY THE NICARAGUAN GOVERNMENT THAT THEY WERE FREE TO STAY IN NICARAGUA OR LEAVE THE COUNTRY, AND THAT NO LEGAL PROCEEDINGS WERE PENDING, THEY VOLUNTARILY LEFT THE EMBASSY. THE EMBASSY UNDERSTANDS THAT THEY SUBSE-
QUENTLY LEFT THE COUNTRY.
LIMITED OFFICIAL USE

THE POLICY OF THE USG IN THESE MATTERS IS CONSISTENT AND IN NO WAY CONSTITUTES ANY DISCRIMINATION AGAINST ANY PERSON OR CLASS OF PERSONS. END.

2. FYI: DIPLOMATIC ASYLUM REFERS TO THOSE SEEKING REFUGEE IN AN EMBASSY FOR POLITICAL PURPOSES, A COMMON PRACTICE AMONG LATIN AMERICAN NATIONS. THE USG DOES NOT GRANT SUCH ASYLUM. WE DO, HOWEVER, GRANT ASYLUM IN THE U.S. TO POLITICAL AND OTHER REFUGEES. THEREFORE, THE PROPER TERMINOLOGY FOR THE PURPOSES OF YOUR CLARIFICA-
TION WOULD BE DIPLOMATIC ASYLUM. COOPER

NNN

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL ASYLUM, REFUGEES, EMBASSIES, COMMUNIQUES, DIPLOMATIC PROTOCOL
Control Number: n/a
Copy: SINGLE
Draft Date: 29 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE080980
Document Source: CORE
Document Unique ID: 00
Drafter: NAB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780137-0041
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780312/aaaaajoq.tel
Line Count: 106
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 41b9d1ba-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 MANAGUA 1454
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 25 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3154930
Secure: OPEN
Status: NATIVE
Subject: EMBASSY COMMUNIQUE ON U.S. ASYLUM POLICY
TAGS: PINT, SREF, PDIP, NU, US
To: MANAGUA
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/41b9d1ba-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014